

# Notice of Allowability

Application No.

10/622,013

Examiner

Jason M. Greene

Applicant(s)

MERTZ ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' reply filed 06 July 2004.
2. ☒ The allowed claim(s) is/are 1-41.
3. ☒ The drawings filed on 20 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

### ***Response to Arguments***

1. Applicant's arguments, see page 10, line 8 to page 11, line 18, filed 06 July 2004, with respect to claims 1, 2, and 4-14 have been fully considered and are persuasive. The 35 USC 103 rejections of claims 1, 2, and 4-14 have been withdrawn.

2. With regard to claim 2, the phrase "wherein the nonwoven polymer material comprises a polyester" has been interpreted to mean that at least one of the two or more nonwoven polymer materials comprise a polyester.

3. With regard to claim 4, the phrase "wherein the nonwoven polymer material of the filter section includes smaller fibers than the nonwoven polymer material of the frame" as been interpreted to mean that at least one of the two or more polymer materials forming the filter section comprises smaller fibers than the nonwoven polymer material of the frame.

4. With regard to claim 5, the phrase “wherein the nonwoven polymer material of the filter section is thicker than the nonwoven polymer material of the frame” has been interpreted to mean that the laminate of the two or more nonwoven polymer materials forming the filter section is thicker than the nonwoven polymer material of the frame.
5. With regard to claim 6, the phrase “wherein the nonwoven polymer material of the filter section includes a material having a greater filtration efficiency than the nonwoven polymer material of the frame” has been interpreted to mean that at least one of the two or more nonwoven polymer materials comprises a material having a greater filtration efficiency than the nonwoven polymer material of the frame.
6. With regard to claim 11, the phrase “wherein the frame further comprises two side edge bands comprising the nonwoven polymer material” has been interpreted to mean that the two side edge bands are formed from the same nonwoven polymer material as the top and bottom edge bands.

***Allowable Subject Matter***

7. Claims 1-41 are allowed.
8. The following is an examiner’s statement of reasons for allowance:

With regard to claims 28-41, the Examiner agrees with Applicants that the prior art made of record does not teach or fairly suggest the filter pack of claim 28 wherein the top and bottom edge bands comprise a nonwoven spun bond polyester material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene  
Examiner  
Art Unit 1724



jmg  
September 17, 2004

DUANE SMITH  
PRIMARY EXAMINER

  
9-20-04